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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,232	07/30/2003	Apostolos Katefidis	OST-031125	8286
22876 7590 03/08/2007 FACTOR & LAKE, LTD 1327 W. WASHINGTON BLVD. SUITE 5G/H CHICAGO, IL 60607			EXAMINER MAYEKAR, KISHOR	
			ART UNIT 1753	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/630,232

Applicant(s)

KATEFIDIS ET AL.

Examiner

Kishor Mayekar

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments with respect to claims 1 and 3-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voss et al. (US 5,114,554) in combination with Nonomura et al. (US 6,610,187 B2) and Kawai et al. (US 3,496,083). Voss' invention, a reference cited in the last Office action, is directed to the removal of acid from cathodic electrocoating baths by electrodialysis in which electroconductive substrates are being coated with cationic resins. However, Voss does not detail the structure of the cathodic electrodeposition apparatus and does not disclose the use of the anode as claimed. Nonomura, another reference cited in the last Office action, shows in an electrodeposition coating apparatus the provision of a dip tank and a coating voltage source as claimed with the anodes arranged on a side wall and a bottom wall of the dip tank (Fig. 2 and paragraph crossing cols. 4 and 5). Since Nonomura shows the dip tank being large into which the suspended vehicle body to be coated is

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completely dipped in a time not less than three minutes, the anodes comprising a plurality of plates surrounded the vehicle body to be coated, and the coating being formed on inside and outside of the vehicle body, it appears that Nonomura's anodes follow the outline of the of the vehicle body to be coated in approximately parallel manner. And to the anodes' curved surface, it would have been obvious absent persuasive evidence that the anode's curved surface is significant, *In re Dailey* 149 USPQ 47. And Kawai shows in an electrodeposition coating process the provision of an electrode, opposite to the article to be coated (counter-electrode), in the form of a U-shaped profile (Fig. 4). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Voss as shown by Nonomura and Kawai because the selection of any of known equivalent anode configuration in an electrodeposition coating apparatus would be within the level of ordinary skill in the art.

As to the subject matter of claim 8, Nonomura shows it in Figs 1 and 2. As such, the selection of any articles to be coated in an electrodeposition coating apparatus would be within the level of ordinary skill in the art. Further, it has been held on the intended use of a device that "apparatus claims cover what a device is, not what a device does", *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 15 USPQ 2d 1525.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voss

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'554 in combination with Nonomura '187 and Kawai '083 as applied to claims 1, 3 and 8 above, and further in view of Akram et al. (US 6,083,376). The difference between the references as applied above and the instant claim is the provision of the recited material for the anode. Akram shows in an apparatus for the electrodeposition of a coating on an article the provision of an anode of a sheet metal (col. 2, lines 50-66), and an anode of a wire mesh permeable to the coating liquid (Figs. 4 and 5). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the references' teachings as suggested by Akram because the selection of any of known equivalent anode materials would have been within the level of ordinary skill in the art.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voss '554 in combination with Nonomura '187 and Kawai '083 as applied to claims 1, 3 and 8 above, and further in view of Austin (US 4,879,013). The difference between the references as applied above and the instant claim is the provision of the recited material for the anode. Austin shows in an electrodeposition coating method the provision of an anode of iridium-coated titanium (claim 4). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the references' teachings as suggested by Austin because the selection of any of known equivalent anode materials would have been within the level of ordinary skill in the art.

Response to Arguments

6. Applicant's arguments filed 18 December 2006 have been fully considered but they are not persuasive because of the new ground of rejections as set forth in the paragraph above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

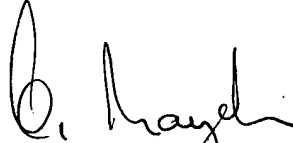
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Representative or access to the automated information system, call 800-786-9199 (IN

USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'K. Mayekar', with a stylized flourish at the end.

Kishor Mayekar
Primary Examiner
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